

**CHAP. 367.**—An Act Granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubbard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia.

May 22, 1926.  
[H. R. 7093.]  
[Public, No. 272.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubbard Massey, their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the southern branch of the Elizabeth River, at a point suitable to the interests of navigation, at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Elizabeth River.  
O. Emerson Smith et al., may bridge southern branch of, at Norfolk and Portsmouth, Va.

**SEC. 2.** The said O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubbard Massey, their successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in such Act of March 23, 1906.

Construction.  
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Tolls authorized.

**SEC. 3.** After the date of completion of such bridge, as determined by the Secretary of War, either the State of Virginia, any political subdivision thereof within which any part of such bridge is located, or two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and approaches, and interests in real property necessary therefor, by purchase, or by condemnation in accordance with the law of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of twenty years after the completion of such bridge it is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and approaches, less a reasonable deduction for actual depreciation in respect of such bridge and approaches, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs (not to exceed 10 per centum of the sum of the cost of construction of such bridge and approaches and the acquisition of such interests in real property), and (4) actual expenditures for necessary improvements.

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Acquisition by Virginia, etc., after completion.

Determination of compensation if acquired by condemnation.

Limitation.

**SEC. 4.** If such bridge shall at any time be taken over or acquired by any municipality or other political subdivision or subdivisions of the State of Virginia under the provisions of section 3 of this Act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the amount paid for such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed thirty years from the date of acquiring the same. After a sinking fund sufficient to amortize the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for the bridge and its approaches, the expenditures

Tolls under State, etc., operation.  
Rates applied to operation, return of original cost, and sinking fund.

Maintenance as free bridge, etc., after amortizing of costs.

Record of expenditures and receipts.

for operating, repairing, and maintaining the same, and of daily tolls collected shall be kept, and shall be available for the information of all persons interested.

Sworn statement of construction cost, etc., to be filed after completion.

Investigation by Secretary of War.

Findings of Secretary conclusive.

Right to sell, etc., conferred.

Amendment.

SEC. 5. The said O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubbard Massey, their successors and assigns, shall, within ninety days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and approaches, including the actual cost of acquiring interests in real property and actual financing and promotion costs. Within three years after the completion of such bridge, the Secretary of War may investigate the actual cost of such bridge, and for such purpose the said O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubbard Massey, their successors and assigns, shall make available to the Secretary of War all of their records in connection with the financing and construction thereof. The findings of the Secretary of War as to such actual original cost shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 6. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act is hereby granted to the said O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubbard Massey, their successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 7. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 22, 1926.

May 22, 1926.  
[H. R. 9033.]

[Public, No. 273.]

**CHAP. 368.**—An Act Authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments.

Interior Department.  
Supervisory officers may make temporary field duty appointments.

R. S., sec. 169, p. 27.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior may by appropriate regulation delegate to supervisory officers the power vested in him under section 169 of the Revised Statutes of the United States to make temporary or emergency appointments of persons for duty in the field, subject, however, to later confirmation thereof by the Secretary of the Interior.

Approved, May 22, 1926.

May 22, 1926.  
[H. R. 10090.]

[Public, No. 274.]

**CHAP. 369.**—An Act Granting the consent of Congress to Alfred L. McCawley to construct, maintain, and operate bridges across the Mississippi and Missouri Rivers, at Alton, Illinois, on the Mississippi and at or near Bellefontaine on the Missouri River.

Mississippi and Missouri Rivers.

Alfred L. McCawley may bridge the Mississippi at Alton, Ill., and the Missouri at Bellefontaine, Mo.

Post, p. 1270.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to Alfred L. McCawley, his legal representatives and assigns, to construct, maintain, and operate two highway or combined highway and railroad bridges and approaches thereto, one across the Mississippi River, at a point suitable for connecting the city of Alton, Illinois, with the State Highway Numbered 94 in the State of Missouri, and the other bridge to be